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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,635	08/01/2003	Jordi Moncada-Elias	FOUND-0070	2769

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EXAMINER
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PHAM, BRENDA H

ART UNIT	PAPER NUMBER
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2616

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03/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/632,635	<b>Applicant(s)</b> MONCADA-ELIAS ET AL.	
	<b>Examiner</b> BRENDA PHAM	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/07/08</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-23 are pending in the application. Claims 17-23 are newly added.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 12 is rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim is narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claim 12 recites the limitation "the root bridge" in line 1. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Oguchi (US 2003/0142680 A1).

With respect to independent claims 1, 8, 12, 13, 15, 16, 17, Oguchi discloses an apparatus, system, computer readable storage medium and method for enabling a first network to control a loop avoidance protocol in a second network, the first network running a first loop avoidance protocol instance, the second network not running the first loop avoidance protocol instance, the first and second network being communicably coupled, the method comprising (referring to figures 22-28):

receiving a protocol packet from the second network (EXTERNAL NETWORK 55-58) at a first switch (S103 of FIG. 27, a BPDU frame receives at device 101);

forwarding the protocol packet to a second switch (SERVER 105) in the first network (**BACKBONE Network 100. "The frame forwarding device 101 determines what the received frame is. If it is a BPDU frame, the process proceeds to step S104. The frame forwarding device 101 determines on which inter-node connection ports the BPDU should be forwarded to the server 105.)**

processing the protocol packet at the second switch according to a loop avoidance protocol corresponding to the second network (**referring to FIG. 28, [0270] "The server 105 receives a frame on one of its inter-node connection ports." [0275] "the server 105 finds a logical bridge port number corresponding to the receiving inter-node connection port. It then updates the logical bridge port states with the spanning tree algorithm."**); and

transmitting a message controlling the port state of a third based on the processing ([02777] **"When there is a state change in the logical bridge ports, the server 105 has to send a port control message to implement that change."**)

With respect to claims 2 and 18, Oguchi discloses wherein the forwarding includes modifying the protocol packet so that the protocol packet is able to be tunneled through the first network **(step S105, "The frame forwarding device 101 encapsulates the outgoing frame. The process then advances to step S112 for forwarding.")**

With respect to claims 3, 14, Oguchi discloses wherein the controlling includes modifying a port state of the third switch ("When there is a state change in the logical bridge ports, the server 105 has to send a port control message to implement that change.")

With respect to claims 4 and 5, wherein the third switch is not the same as the first switch (the third switch can be any of the frame forwarding devices 1, 2, 3 and 4).

With respect to claim 19, Oguchi further teaches wherein the module is further configured to control the port state of the second switch by modifying a port state of the second switch (see [0275] and [0277].

With respect to claim 20, wherein the second switch is not the same as the first switch (first switch is a frame forwarding device node 1, second switch is a SERVER 105).

With respect to claim 21, Oguchi also teach in FIG. 3 that frame forwarding device nodes 61 can be implemented to run spanning tree algorithm processor and is function the same way as second switch (server 105).

With respect to claims 6 and 22, Oguchi further teaches wherein the first and second networks are connected by the shared use of the first switch (the first and second networks connected by the shared use of frame forwarding device node #1).

With respect to claims 7, 11 and 23 Oguchi further teaches wherein the protocol packet is a BPDU (see FIG. 27).

With respect to claim 9, Oguchi further teaches wherein the first and second networks are connected through the shared use of the second switch (first network and second network connected through a SERVER 105).

With respect to claim 10, wherein the second switch receives the protocol packet (BPDU are forwarded to SERVER 105).

***Response to Arguments***

6. Applicant's arguments filed 01/28/08 have been fully considered but they are not persuasive. Applicant argued in the REMARK, page 15 that "Oguchi does not disclose processing the protocol packet at the second switch according to a loop avoidance protocol corresponding to the second network as required by Claim 1. Examiner respectfully disagrees. As explained in the Office Action above, Oguchi indeed teaches this arguable feature. Oguchi teaches according to figure 27 and 28, a frame forwarding device (NODE 1) receives a BPDU frame sent from an external network, the BPDU frame then sent to SERVER 105 (second switch). Based on the BPDU received the server then updates the logical bridge port states by running the spanning tree algorithm.

Applicant further argued that "The portion of Oguchi cited by the Examiner speaks generally about receiving a BPDU from an external network port and forwarding the BPDU on the internal network, but says nothing about the loop avoidance protocol in the external network. Thus, the cited portion of Oguchi cannot be said to disclose processing the protocol packet at the second switch according to a loop avoidance protocol corresponding to the second network as required by Claim 1.

Examiner respectfully disagrees. Oguchi discloses a system and method includes the steps of receiving a BPDU from an external network at NODE 1 (first switch). The BPDU frame then forwarding to a server 105 (second switch). The server then run a spanning tree algorithm (see [0276]) to update the logical bridge ports

corresponding to the information received in the BPDU frame from the second network (external network).

On the other word, Oguchi teaches a BPDU frame is received from the external network at the edge nodes of the backbone network. The BPDU frame is forwarded to a server in the backbone network. The server then run a loop avoidance protocol based on the information in the BPDU. Although Oguchi does not disclose whether a loop avoidance protocol is used in the external network, it is clearly teaches by Oguchi that an independent loop avoidance protocol instance is used by the backbone network and is operated by the backbone network's server.

Examiner believes Oguchi discloses all the claimed limitations recites in claims. Therefore, the rejection stands.

### ***Conclusion***

**7. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



Art Unit: 2616

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild, can be reached on (571) 272-2092.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

March 8, 2008

**/Brenda Pham/**

**Primary Examiner, Art Unit 2616**